

Michigan Judges Association

Founded 1927

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September 21, 2016

Representative Thomas Hooker
N-1096 House Office Building
P.O. Box 30014
Lansing, MI 48909

VIA E-Mail: ThomasHooker@house.mi.gov

Re: HB 4141

Dear Representative Hooker:

At our September 20, 2016 Executive Committee meeting, MJA affirmed its earlier vote to oppose HB 4141 in its original form and we continue to oppose the bill in its current form. We believe that the bill contains provisions in direct conflict with the best interests of children, as follows:

1. It provides no mechanism for changing custody and removes the *Vodvarka v Grasmeyer* standard requiring clear and convincing evidence before a parent can seek to change custody.
2. Removing this threshold will have parents coming to court every motion day seeking to change custody. Other unintended consequences include increasing costs and attorney's fees to perpetually litigate custody, which erodes a child's sense of stability.
3. This new standard requiring no threshold for changing custody will permit every custody order to be re-litigated, thereby giving everyone a second bite at the apple.
4. This undermines the Court's ability to protect children because domestic violence must be "substantiated," but that term is not defined.
5. The term "parental alienation" is not defined.
6. Fourteen year-olds are not sufficiently emotionally mature to make decisions regarding where they should live. Placing the decision making into the hands of young teenagers promotes bad behavior by parents who believe that they can "buy" their children's affections and vote.
7. If a parent has not been a part of a newborn's life for just under 6 months or has absented himself or herself from the child's life for just under 6 months, why would that parent be entitled to equal footing with the parent who continuously provided care for the child or an automatic established custodial environment?
8. Parenting time depends on a variety of factors including the distance between the parties' houses, the parties' work hours, the children's ages, the presence of sexual abuse, physical abuse, emotional abuse, domestic

violence, substance abuse, and other critical factors that are not referenced in the bill.

9. Shall a court speculate under section 5 whether a parent's involvement is likely to enhance the life or livelihood of the child?

Given that we just received the second draft today, we did not have an opportunity to research the entire bill, but these are some of the more troubling provisions of HB 4141. No other States have adopted a bill so fraught with peril and contrary to children's best interests. For these reasons and others previously communicated to you, MJA vigorously opposes HB 4141.

Thank you for considering our grave concerns with this proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Laura Baird".

Hon. Laura Baird
President